ORDINANCE NO. 960815-L

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE CITY CODE AS FOLLOWS:

TRACT 1: 4.97 ACRE TRACT OF LAND OUT OF THE WILLIAM BELL SURVEY NO. 802, FROM INTERIM "SF-2" SINGLE-FAMILY RESIDENCE (STANDARD LOT) DISTRICT TO "GR" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT;

TRACT 2: 2.28 ACRE TRACT OF LAND OUT OF THE WILLIAM BELL SURVEY NO. 802, FROM INTERIM "SF-2" SINGLE-FAMILY RESIDENCE (STANDARD LOT) DISTRICT TO "GR" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT;

TRACT 3: 22.37 ACRE TRACT OF LAND OUT OF THE WILLIAM BELL SURVEY NO. 802, FROM INTERIM "SF-2" SINGLE-FAMILY RESIDENCE (STANDARD LOT) DISTRICT AND INTERIM "RR" RURAL RESIDENCE DISTRICT TO "GO-CO" GENERAL OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT; AND,

TRACT 4: 40.00 ACRE TRACT OF LAND OUT OF THE WILLIAM BELL SURVEY NO. 802, FROM INTERIM "SF-2" SINGLE-FAMILY RESIDENCE (STANDARD LOT) DISTRICT AND INTERIM "RR" RURAL RESIDENCE DISTRICT TO "MF-2-CO" MULTIFAMILY RESIDENCE (LOW DENSITY) DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT,

LOCALLY KNOWN AS 10603 F.M. 2222, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The Zoning Map established by Chapter 13-2-2 of the City Code is amended to establish initial permanent zoning changes to the respective base zoning districts and to establish a Conditional Overlay combining district on all of the property described in File C14-95-0193, as follows:

- Tract 1: From Interim "SF-2" Single-Family Residence (Standard Lot) district to "GR-CO" Community Commercial district-Conditional Overlay combining district.
- 4.97 acre tract of land out of the William Bell Survey No. 802, said 4.97 acre tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance.
- Tract 2: From Interim "SF-2" Single-Family Residence (Standard Lot) district to "GR-CO" Community Commercial district-Conditional Overlay combining district.
- 2.28 acre tract of land out of the William Bell Survey No. 802, said 2.28 acre tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance.
- Tract 3: From Interim "SF-2" Single-Family Residence (Standard Lot) district and Interim "RR" Rural Residence district to "GO-CO" General Office district-Conditional Overlay combining district.
- 22.37 acre tract of land out of the William Bell Survey No. 802, said 22.37 acre tract of land being more particularly described by metes and bounds in Exhibit "C" incorporated into this ordinance.
- Tract 4: From Interim "SF-2" Single-Family Residence (Standard Lot) district and Interim "RR" Rural Residence district to "MF-2-CO" Multifamily Residence (Low Density) district-Conditional Overlay combining district.
- 40.00 acre tract of land out of the William Bell Survey No. 802, said 40.00 acre tract of land being more particularly described by metes and bounds in Exhibit "D" incorporated into this ordinance, [the "Property"]

locally known as 10603 F.M. 2222, in the City of Austin, Travis County, Texas, and more particularly identified in the map attached as Exhibit "E" to this ordinance,

- **PART 2.** The Property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:
- 1. As to Tracts 1, 2, and 3, all structures constructed beyond 1000 feet from F.M. 2222 and which will be for office and retail uses may not exceed 40 feet in height from ground level on the Property.

As to Tract 4 residential development on the Property may not exceed a 2. density of 14 units per acre.

Except as specifically restricted by this ordinance, the Property may be developed and used in accordance with regulations established for the respective base districts and other applicable requirements of the Land Development Code.

PART 3. The Council waives the requirements of Sections 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on August 25, 1996.

PASSED AND APPROVED

August 15

Mayor

APPROVED:

Andrew Martin

City Attorney

ATTEST:_

City Clerk

15 August 96 MT/dwm

DESCRIBING A 4.97 ACRE TRACT OF LAND BEING A PORTION OF THE WILLIAM BELL SURVEY NO. 802, IN TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT 88.72 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED TO DONALD EUGENE ENGELING AS RECORDED IN VOLUME 7713, PAGE 790 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 4.97 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING for reference at a %" iron pipe found in the south rightof-way line of F.M. 2222 (100' R.O.W.) at a northeast corner of the above-described 88.72 acre tract, said point being further described as being the northwest corner of that 5.0 acre tract of land described in a Substitute Trustee Deed to Texas Commerce Bank-Austin, National Association, as recorded in Volume 11157, Page 973 of the Deed Records of Travis County, Texas;

THENCE, with the south right-of-way line of the said F.M. 2222, the following five (5) courses:

- 1) N86°56′03"W, 245.57 feet to an iron bolt in concrete found at a non-tangent point of curvature to the right;
- Along a curve to the right having a radius of 1004.93 feet, a 2) central angle of 18°38'54", an arc distance of 327.08 feet and a chord which bears N77°36'39"W, 325.64 feet to a 2" iron rod in concrete found at a point of non-tangency;
- N68°36'08"W, 443.95 feet to a ½" iron rod set; 3)
- N71°41'25"W, 798.71 feet to a 2" iron rod in concrete found; 4)
- N70°21'57"W, 63.49 feet to the POINT OF BEGINNING of the 5) herein described tract of land;

THENCE, through the interior of the said 88.72 acre tract the following eleven (11) courses:

- S21°04'48"W, 118.50 feet to a point; 1)
- S18°35'48"W, 214.19 feet to a point; S68°59'12"W, 123.90 feet to a point; 2)
- 3)
- 4) N52°47′12"W, 71.92 feet to a point;
- N55°11'29"W, 27.01 feet to a point; 51
- N58°01'32"W, 40.50 feet to a point; 6)
- N56°30'46"W, 43.61 feet to a point; 7)
- N59°15'47"W, 90.94 feet to a point; 8)
- N61°16'47"W, 41.22 feet to a point; 9)
- 10) N62°18'18"W, 68.82 feet to a point;
- N64°01'35"W, 98.47 feet to a point in the east line of that 115.5 acre tract of land described in a deed to Steve Topletz as recorded in Volume 8203, Page 823 of the Deed Records of Travis County, Texas;

DESCRIBING A 2.28 ACRE TRACT OF LAND BEING A PORTION OF THE WILLIAM BELL SURVEY NO. 802, IN TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT 88.72 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED TO DONALD EUGENE ENGELING AS RECORDED IN VOLUME 7713, PAGE 790 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 2.28 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING for reference at a %" iron pipe found in the south rightof-way line of F.M. 2222 (100' R.O.W.) at a northeast corner of the above-described 88.72 acre tract, said point being further described as being the northwest corner of that 5.0 acre tract of land described in a Substitute Trustee Deed to Texas Commerce Bank-Austin, National Association, as recorded in Volume 11157, Page 973 of the Deed Records of Travis County, Texas;

THENCE, with the south right-of-way line of the said F.M. 2222, the following three (3) courses:

N86°56'03"W, 245.57 feet to an iron bolt in concrete found at 1)

a non-tangent point of curvature to the right;
Along a curve to the right having a radius of 1004.93 feet, a 2) central angle of 18°38′54", an arc distance of 327.08 feet and a chord which bears N77°36′39"W, 325.64 feet to a ½" iron rod in concrete found at a point of non-tangency;

3) N68°36'08"W, 409.31 feet to the POINT OF BEGINNING of the herein described tract of land;

THENCE, through the interior of the said 88.72 acre tract of the land, the following five (5) courses:

- S19°35'25"W, 97.36 feet to a point; 1)
- 2)
- S64°42'30"W, 173.29 feet to a point; N72°45'17"W, 309.59 feet to a point; 3)
- N24°08′58"W, 83.87 feet to a point; 4)
- N19°09'00"E, 162.61 feet to a point in the said south rightof-way line of F.M. 2222;

THENCE, with the south right-of-way line of F.M. 2222, the following two (2) courses:

S71°41'25"E, 456.85 feet to a 3" iron rod set; 1)

2) S68°36'08"E, 34.64 feet to the POINT OF BEGINNING containing 2.28 acres of land.

Surveyed by URBAN DESIGN GROUP P.O. Box 26912 Austin, Texas 78755 (512) 346-2353

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EXHIBIT "B"

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THENCE, continuing through the interior of the said 88.72 acre tract and with the east line of the said 5.5 acre tract, N29°00′11″E, 443.28 feet to a ½ iron rod found in the said south right-of-way line of F.M. 2222;

THENCE, with the south right-of-way line of F.M. 2222, the following two courses:

1) S49°10'13"E, 100.58 feet to a %" iron rod in concrete found at a non-tangent point of curvature of a curve to the left;

2) Along said curve to the left having a radius of 1195.92 feet, a central angle of 19°37′29", an arc distance of 409.62 feet and a chord which bears S59°01′57"E, 407.62 feet to the POINT OF BEGINNING and containing 4.97 acres of land.

Surveyed by URBAN DESIGN GROUP P.O. Box 26912 Austin, Texas 78755 (512) 346-2353

JOHN NOE John Noell, R.P.L.S. #2433

2433 Date: /2-

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DESCRIBING A 22.37 ACRE TRACT OF LAND BEING A PORTION OF THE WILLIAM BELL SURVEY NO. 802, IN TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT 88.72 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED TO DONALD EUGENE ENGELING AS RECORDED IN VOLUME 7713, PAGE 790 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 22.37 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING for reference at a * iron pipe found in the south right-of-way line of F.M. 2222 (100' R.O.W.) at a northeast corner of the above-described 88.72 acre tract, said point being further described as being the northwest corner of that 5.0 acre tract of land described in a Substitute Trustee Deed to Texas Commerce Bank-Austin, National Association, as recorded in Volume 11157, Page 973 of the Deed Records of Travis County, Texas;

THENCE, with the south right-of-way line of the said F.M. 2222, the following three (3) courses:

1) N86°56'03"W, 245.57 feet to an iron bolt in concrete found at a non-tangent point of curvature to the right;

Along a curve to the right having a radius of 1004.93 feet, a central angle of 18°38′54", an arc distance of 327.08 feet and a chord which bears N77°36′39"W, 325.64 feet to a ½" iron rod in concrete found at a point of non-tangency;

3) N68°36'08"W, 300.65 feet to the POINT OF BEGINNING of the herein described tract of land;

THENCE, through the interior of the said 88.72 acre tract of the land, the following two (2) courses:

1) S11°41'32"W, 513.12 feet to a ½" iron rod set;

N74°52'25"W, 312.23 feet to a ½" iron rod set in the west line of a 20' temporary access easement as recorded in Volume 10105, Page 259 of the Deed Records of Travis County, Texas;

THENCE, with the said west line, S24°23'37"W, 271.33 feet to a ½" iron rod set at a non-tangent point of curvature in the south line of the said 20' temporary access easement;

THENCE, continuing through the interior of the said 88.72 acre tract and with the south line of the said 20' temporary access easement the following two (2) courses:

1) Along a curve to the right having a radius of 1,145.00 feet, a central angle of 04°52′53", an arc distance of 97.55 feet and a chord which bears N62°39′55"W, 97.52 feet to a ½" iron rod set at a point of tangency (curve non-tangent);

N60°31'59"W, 49.64 feet to a 3" iron rod found at the northeast corner of a tract of land described in a deed to the City of Austin as described in Volume 10105, Page 253 of the

Deed Records of Travis County, Texas;

THENCE, continuing through the interior of the said 88.72 acre tract and with the north and west line of the said City of Austin tract the following five (5) courses:

N60°31′59"W, 229.66 feet to a ½" iron rod found at a non-1) tangent point of curvature to the left;

2 1 Along said curve having a radius of 431.25 feet, a central angle of 53°47'53", an arc distance of 404.93 feet and a chord which bears N87°25'35"W, 390.22 feet to a 2" iron rod set at the point of tangency;

S65°40'22"W, 61.73 feet to a \(\frac{1}{2} \) iron rod set at the point of 3) '

curvature of a curve to the left;

Along said curve having a radius of 20.00 feet, a central angle of 90°00′00", an arc distance of 31.42 and a chord which bears S20°40′22"W, 28.28 feet to a ½" iron rod set at the 4) point of tangency;

S24°19'38"E, 102.83 feet to a \(\frac{1}{2}\)" iron rod found in the south 5) line of the said 88.72 acre tract;

THENCE, with the south line of the said 88.72 acre tract, N60°32'52"W, 607.84 feet to a 1" iron pipe found at a southwest corner of the said 88.72 acre tract, same being the southeast corner of a 0.35 of an acre tract of land described in a deed to Donald Eugene Engeling and wife as recorded in Volume 8253, Page 979 of the Deed Records of Travis County, Texas;

THENCE, with the south line of the said 0.35 of an acre tract, N60°49'48"W, 82.21 feet to a ½" iron rod found at the southwest corner of the said 0.35 of an acre tract;

THENCE, with the west line of the said 0.35 of an acre tract, N28°56′54"E, 204.11 feet to a 3" iron rod found in the southwest property line of the said 88.72 acre tract;

THENCE, through the interior of the said 88.72 acre tract, the following twelve (12) courses:

- 1) N29°00'11"E, 353.07 feet to a point;
- S64°01'35"E, 98.47 feet to a point; 2)
- S62°18'18"E, 68.82 feet to a point; 3)
- 4) \$61°16'47"E, 41.22 feet to a point;
- \$59°15'47"E, 90.94 feet to a point; 5)
- 6) \$56°30'46"E, 43.61 feet to a point;
- 7) S58°01'32"E, 40.50 feet to a point;
- 81
- .9)
- S55°11'29"E, 27.01 feet to a point; S52°47'12"E, 71.92 feet to a point; N68°59'12"E, 123.90 feet to a point; 10)
- 11) N18°35'48"E, 214.19 feet to a point;
- N21°04'48"E, 118.50 feet to a point in the curving south right-of-way line of the said F.M. 2222 (curve non-tangent); 12)

THENCE, with the south right-of-way line of the said F.M. 2222, the following two (2) courses:

1) Along a curve to the left having a radius of 1195.92 feet, a central angle of 03°02'32", an arc distance of 63.50 feet and a chord which bears S70°21'57"E, 63.49 feet to a 2" iron rod in concrete found at a non-tangent point of tangency;

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TRACT 3

2) S71°41'25"E, 341.87 feet to a point;

THENCE, through the interior of the said 88.72 acre tract, the following five (5) courses:

- 1) S19°09'00"W, 341.87 feet to a point;
- 2) S24°08'58"E, 83.86 feet to a point;
- 3) S72°45'17"E, 309.59 feet to a point;
- 4) N64°42'30"E, 173.29 feet to a point;
- 5) N19°35'25"E, 97.36 feet to a point in the said south right-of-way line of F.M. 2222;

THENCE, with the said right-of-way line of F.M. 2222, S68°36'08"E, 108.66 feet to the POINT OF BEGINNING and containing 22.37 acres of land.

Surveyed by URBAN DESIGN GROUP P.O. Box 26912 Austin, Texas 78755 (512) 346-2353

OHN NOELL John Noell, R.P.L.S. #2433

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DESCRIBING A 40.00 ACRE TRACT OF LAND BEING A PORTION OF THE WILLIAM BELL SURVEY NO. 802 AND THE J.W. PREECE SURVEY NO. 2, IN TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT 88.72 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED TO DONALD EUGENE ENGELING AS RECORDED IN VOLUME 7713, PAGE 790 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 40.00 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a \(\frac{1}{2}\)" iron pipe found in the south right-of-way line of F.M. 2222 (100' R.O.W.) at a northeast corner of the above-described 88.72 acre tract, said POINT OF BEGINNING being further described as being the northwest corner of that 5.0 acre tract of land described in a Substitute Trustee Deed to Texas Commerce Bank-Austin, National Association, as recorded in Volume 11157, Page 973 of the Deed Records of Travis County, Texas;

THENCE, departing from the south right-of-way line of F.M. 2222 and with the west boundary line of the said 5.0 acre tract, same being an east line of the said 88.72 acre tract, S03°07′54"W, 543.09 feet to a ½" iron pipe found at the southwest corner of the said 5.0 acre tract;

THENCE, with the south boundary line of the said 5.0 acre tract, S86°50'38"E, 391.68 feet to a 60d nail found in a fence corner post at the southeast corner of the said 5.0 acre tract, said corner also being a northeast corner of the said 88.72 acre tract of land and a corner of that 467.5 acre tract of land described as Exhibit A-3 in a Special Warranty Deed to the City of Austin as recorded in Volume 11848, Page 1718 of the Deed Records of Travis County, Texas;

THENCE, with the east line of the said 88.72 acre tract, same being a west line of the said 467.5 acre tract, S29°27'17"W, 1084.57 feet to a 60d nail found in a fence corner post at the southeast corner of the said 88.72 acre tract, same being the northeast corner of that 29.65 acre tract of land described in a deed to Lloyd Hampton and wife, as recorded in Volume 3027, Page 603 of the Deed Records of Travis County, Texas;

THENCE, with the south line of the said 88.72 acre tract, same being the north line of the said 29.65 acre tract the following three (3) courses:

- 1) N60°45′00"W, 874.10 feet to a %" iron pipe found;
- 2) N60°38′40"W, 455.61 feet to a point;

3) N60°31'43"W, 360.42 feet to a ½" iron rod found at the southeast corner of that 1.45 acre tract of land described as Tract 2 in a Warranty Deed to the City of Austin as recorded in Volume 10105, Page 253 of the Deed Records of Travis County, Texas;

THENCE, through the interior of said 88.72 acre tract and with the east line of the said 1.45 acre tract, N29°27′56″E, 314.99 feet to a ½" iron rod found at the northeast corner of the said 1.45 acre tract of land, said corner also being in the south line of a 20′ Temporary Access Easement as recorded in Volume 10105, Page 259 of the Deed Records of Travis County, Texas;

THENCE, with the south line of the said 20' Temporary Access Easement the following two (2) courses:

1) S60°31'59"E, 49.64 feet to a non-tangent point of curvature to the left;

2) Along said curve having a radius of 1145.00 feet, a central angle of 4°52′53", an arc distance of 97.55 feet and a chord which bears S62°39′55"E, 97.52 feet to a point of nontangency;

THENCE, with the west line of the said 20' Temporary Access Easement, N24°23'37"E, 271.33 feet to a point;

THENCE, continuing through the interior of said 88.72 acre tract the following two (2) courses:

1) S74°52'25"E, 312.23 feet to a point;

2) N11°41'32"E, 513.12 feet to a point in the said south right-of-way line of F.M. 2222;

THENCE, with the south line of F.M. 2222 the following three (3) courses:

1) S68°36′08"E, 300.65 feet to a ½" iron rod in concrete found at

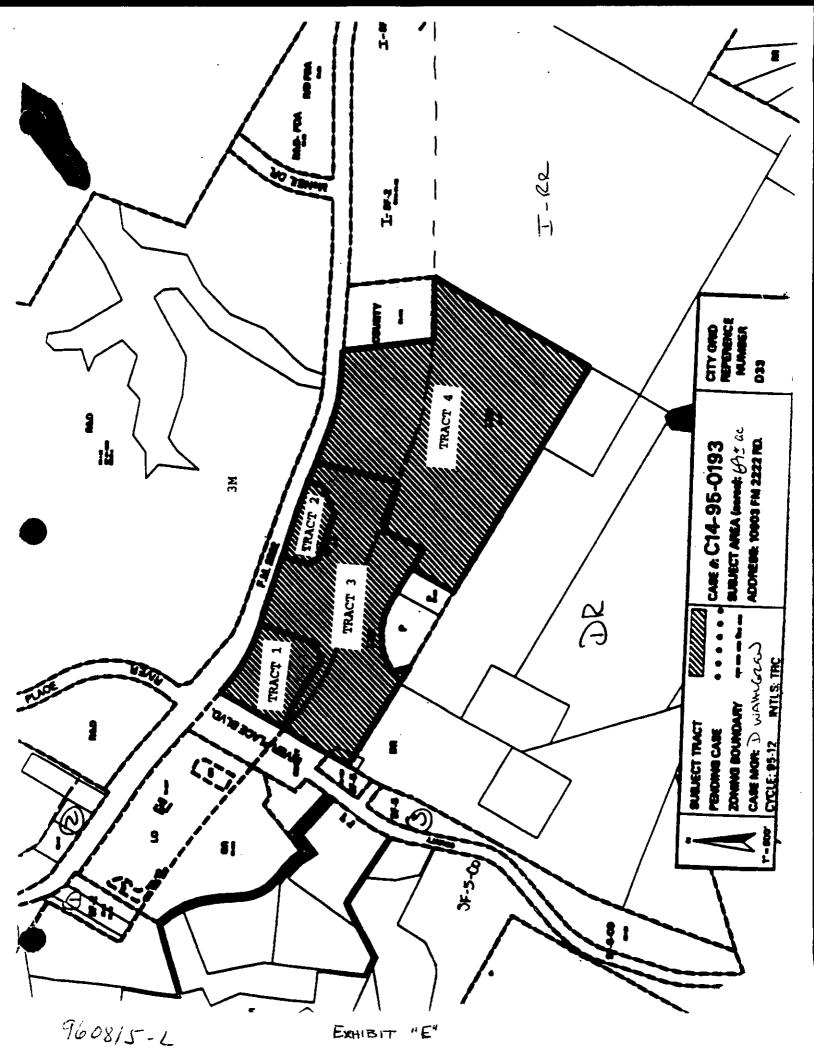
a point of curvature to the left (curve non-tangent);

2) Along said curve having a radius of 1004.93 feet, a central angle of 18°38′54", an arc distance of 327.08 feet and a chord which bears \$77°36′39"E, 325.64 feet to an iron bolt in concrete found at a point of non-tangency;

3) S86°56'03"E, 245.57 feet to the POINT OF BEGINNING and containing 40.00 acres of land.

Surveyed by URBAN DESIGN GROUP P.O. Box 26912 Austin, Texas 78755 (512) 346-2353 JOHN NOELL Z-//-9

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PO#:

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Ad ID#:

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Acct#:

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Austin American-Statesman

Account Name:

CITY CLERKS OFFICE

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared:

DAVID DEVARGAS

Classified Advertising Agent of the Austin American-Statesman, a daily newspaper published in said County and State that is generally circulated in Travis, Hays, Burnet and Williamson Counties, who being duly sworn by me, states that the attached advertisement was published in said newspaper on the following dates, to wit:

Cost:

First Published:

9/12/96

Last Published:

9/12/96

Times Published:

1 Classification:

9980

Lines:

46

\$113.16

and that the attached is a true copy of said advertisement.

SWORN AND SUBSCRIBED TO BEFORE ME, this the 12th day of Sept, 1996.

SHARON JANAK NOTARY PUBLIC State of Texas Comm. Exp. 11-10-99

SHARON JANAK (Type or Print Name of Notary) Notary Public in and for TRAVIS COUNTY, TE

My Commission Expires: 11-10-99

305 South Congress Ave., P.O. Box 670, Austin, Texas 78767-0670 512-445-3541